

## 2001 ANNUAL PRO BONO REPORT AND PLAN PROPOSAL COVER SHEET

### DISTRICT #13

**COUNTIES SERVED:** Daviess, Dubois, Gibson, Knox, Martin, Perry, Pike, Posey, Spencer, Vanderburgh, and Warrick.

**CONTACT PERSON and PHONE:** Judge Douglas Knight, (812)435-5112, or Judge Timothy Crowley, (812)885-2517.

**Current Service Delivery System:** Indigent clients are currently served in this region by Indiana Legal Services, the Legal Aid Society of Evansville, and by volunteer programs of the Evansville Bar Association. Applicants may contact any of these entities for assistance. If none of the existing service providers can assist an otherwise eligible case due to conflict of interest, lack of agency resources, or due to the client not living in an area served by a particular agency they will refer to the Volunteer Lawyer Program. There is a great need for volunteer attorneys, particularly in the counties in District 13 other than Vanderburgh, where the Legal Aid Society and the Evansville Bar Association services are not available.

**Identification of need/documentation of need:** The need for expanded service is evident from the number of indigent clients who are denied legal service because of conflict of interest and lack of resources of existing legal service providers. This is documented in the number of rejection letters that are sent out every week from Indiana Legal Services and the Evansville Bar Association.

**Target Population: Who, where, how identified:** 1. Individuals: The target population is low-income individuals who cannot otherwise afford an attorney and are not able to be served by one of the existing legal service providers due to conflict of interest, lack of agency resources, or the client not living in the service area of a particular service provider. Specifically, our target population must be financially eligible for assistance, their legal issue must not be frivolous, untenable, obnoxious, fee-producing, or in any other way inappropriate for pro bono assistance, and the client must exhibit an acceptable level of commitment and cooperation. The area targeted is all of District 13. 2. Organizations: A second target population is charitable or non-profit organizations that target their services toward the population that would be eligible for pro bono legal services. Their legal issues will be evaluated by criteria similar to those listed above.

**Methods/Action Plan:** The most important task ahead of is to finalize an efficient intake process. Data tracking is another step that we need to perfect. Finally, attorney recruitment is another crucial action step. After accomplishing these primary goals, we will be able to move on with secondary goals such as recognition of attorneys, preparation of pro se documents, training for attorneys, promotion of the plan to clients, and others listed in the Plan.

**Outcomes:** The outcome we hope to achieve is to serve at least 75% of the clients who are denied service by the existing legal service providers.

**Evaluation:** The Plan Administrator will keep accurate data of how many clients are served, in what counties, what types of cases, how many attorneys participate, and how many volunteer hours are provided. The number after the first year will be used as a benchmark, with the goal of increasing volunteers and number of hours provided the following year. Also, the Plan Administrator will keep track of how many eligible cases the VLP is unable to successfully match to a volunteer. Since all eligible cases that are rejected by the other service providers will go the VLP, it will be easy to track what percentage of those referred to the VLP are served or not.

## **A. Summary of Current District Activities and District Plan**

### **A1. Current Legal Services Delivery System**

#### **A1.1 District Activities**

1. The VLP has been meeting and has its policies and procedures for governance in place. Presently, administration of the plan is being provided by two part-time Plan Co-Administrators.
- b. The VLP has made substantial progress in the prior year including the following: 1) Incorporation; 2) Beginning an inventory of District 13 attorneys; 3) Formalization of the Roster of County Managers; 4) Formalization of the Pro Bono Referral and Tracking Procedures; 5) Implementation of the Pro Bono Referral Process; 6) Hiring of plan Co-Administrators; 7) Obtaining Memoranda of Agreement with Indiana Legal Services (hereinafter “ILS”), the Legal Aid Society of Evansville (hereinafter “LASE”), and the Evansville Bar Association (hereinafter “EBA”); 8) Planning of educational and recognition events; and 9) Application for and receipt of a grant from the Indiana Bar Foundation to promote the program.
1. The VLP has begun implementing monitoring methods for the program to ensure the highest quality and most efficient services will be provided.
2. The existing services and programs which provide legal assistance to the indigent are being involved in this plan. Many community service providers are also being asked to collaborate.  
*See List of Existing Legal Service Providers and Pro Bono Programs (Attachment J)*
5. The current pro bono legal service delivery system has been outlined in Attachment “F” below. Clients enter the system by either contacting ILS, LASE, or their County Manager.

Clients who are eligible for pro bono service through the Volunteer Lawyer Project (hereinafter “VLP”) will be matched with a volunteer attorney. In Vanderburgh County, the Plan Administrator contacts the attorney, provides the case information, and informs the client of the match. In the other District 13 counties, the County Managers perform these tasks.

The administration and record-keeping is being coordinated by the Plan Administrator. The VLP also provides or is in the planning stage of providing the following for pro bono attorneys: 1) Reimbursement for reasonable out-of-pocket expenses associated with litigation; 2) Mentoring and consultation availability from ILS and LASE; 3) Recognition of Pro Bono Attorneys; 4) Educational programs for Pro Bono Attorneys; 5) Resources such as informational websites, research, and Pro Se Forms; and 6) Attorney Evaluation Forms through which volunteers can express their concerns and needs.

*See Chart Outlining Pro bono Referral Process (Attachment F)*

**A2. Identification and Prioritization of Legal Problems**

(Ranked by priority, with #1 being the highest priority and #10 being the lowest)

- f. Funding is unavailable to pay for a full-time Plan Administrator to provide necessary coordination and administrative support to the District Pro Bono Plan and the VLP.
- b. Access to available legal service providers is often denied or delayed due to budgetary constraints, program restrictions, conflicts, and lack of resources.
3. The number of volunteer attorneys to provide pro bono service is inadequate.
4. Many clients who are only in need of brief service or advice show up to court uninformed and are taken advantage of by more savvy litigants.
5. There is a need for a current Legal Needs Study to identify and prioritize pro bono legal service needs.
6. There are inadequate resources to support indigent civil advocacy thus making the use of traditional litigation tools in an indigent client’s case very rare.
7. Currently, most applications in the District come through an intake hotline run by ILS which is cumbersome and not owned or controlled by the VLP. Therefore, it does not necessarily meet the needs of the VLP’s clients and cannot easily be

- changed. LASE takes the intakes of applicants in Vanderburgh County who call their office directly, and those intake forms are forwarded to the VLP if they are an appropriate referral.
- 8. Certain nonprofit and charitable organizations who benefit the poor are in need of legal services which are inadequately supplied.
  - 1. There is a lack of economical alternative dispute resolution mechanisms for legal and quasi-legal issues affecting the poor.
  - j. Clients are not aware that the VLP exists, and therefore cannot easily access service.

### **A3. Summary of Plan**

The following is a list of some of the actions recommended to address the above problems and barriers. This list corresponds with the number of the problem listed above.

- 11. Application for funds and fund-raising activities are being pursued in order to hire a full-time Plan Administrator. In the meantime, local attorneys are being called upon to provide representation, consultation, volunteer recruitment, and other services necessary to the functions of the VLP.
- 12. Due to the available legal service providers not being able to assist all eligible clients, increased pro bono activity, coordinated with the current legal service providers, is being pursued. The goal is to provide pro bono representation for at least 75% of the clients who are income eligible and who have a tenable, non-frivolous, non-fee producing, and otherwise eligible case but are rejected due to conflict of interest or lack of resources of the legal service providers.
- 13. Many recruitment, recognition, and supportive activities are outlined below in order to attract more volunteer attorneys. The local bar, judiciary, and the VLP will all be asked to coordinate efforts to work on aspects of this.
- 14. The VLP intends to create a program to address the issues of indigent litigants in small claims court who may just need to know what their rights are or some basic instruction as to the court process. The VLP will begin by coordinating volunteer attorneys to be present in the Vanderburgh Courthouse on a weekly basis.
- 15. The VLP will involve attorneys in the District in the preparation of a current Legal Needs Study by asking them survey clients. The VLP will solicit the assistance of community surveying

- experts, and will create a Needs Study Committee.
16. The VLP will make use of its available funds to reimburse attorneys for reasonable expenses associated with litigation expenses of VLP clients.
  17. The existing intake system will be reviewed, changed, and improved as needed through a coordinated effort of and open communication between the ILS, LASE, EBA, and VLP.
  18. The VLP is working on recruiting attorneys and providing educational and consultation support specific to assisting nonprofit entities with pro bono matters.
  19. The VLP is working on recruiting attorneys and providing educational and consultation support specific to providing alternative dispute resolution mechanisms to pro bono clients.
  20. Once the VLP has done more recruitment and has a larger pool of volunteers, a promotional campaign will be undertaken so that eligible applicants may be made aware of the services available to them.

## **B. 2001 Annual Report**

- B1. Information about the Volunteer Lawyer Program Members  
The District 13 Pro Bono Committee is known as the Volunteer Lawyer Program of Southwestern Indiana, Inc. (VLP). It is organized as follows:
  - B1.1 Name, organization affiliation, address, phone, fax and E-mail address, what category in Rule 6.5(f)(1) they represent, and whether members represent more than one organization or category.  
*See VLP Roster (Attachment A)*
  - B1.2 VLP Recruitment: Each of the 11 counties within District 13 have at least one participating member on the VLP Board of Directors. In an effort to include a wider range of individuals and organizations on the Board, the Board was expanded from twelve (12) to twenty-five (25) members. Each category of member listed in Rule 6.5(f)(1) is represented except for a current or past pro bono service recipient. ILS and LASE are currently recruiting past and present clients for this position. In addition, more service providers in District 13 will be asked to participate.
- B2. Governance
  - B2.1 Organization: The VLP is governed by co-chairpersons. Members represent every county in District 13. The Board is currently made up of 19 members. The Board members meet quarterly, and will soon

form committees to tackle specific issues. Each county has a County Manager who acts as a liaison to the Pro Bono Plan Administrator and assists with recruitment and referrals locally.

B2.2 Leadership: The VLP, by majority vote, appointed its co-chairpersons, Judge J. Douglas Knight and Judge W. Timothy Crowley, who are sitting judges within the District. The co-chairpersons are responsible for convening and facilitating the meetings of the VLP.

B2.3 Committees: The VLP will form the following committees: 1) The Publicity and Recruitment Committee will be responsible for planning and implementing publicity about the VLP to potential volunteer attorneys and to the community at large for the purposes of recruitment, program awareness, and recognition for volunteers. 2). The Education Committee will plan and implement educational programming to support the work of volunteer attorneys. 3). The Needs Study Committee will create a survey, identify targets to survey, recruit volunteers to aid in the process of surveying, and compile the survey results in order to adjust existing programming or assist in the development of new programming. 4). The Organization Qualifications Committee will draft and recommend criteria, acceptable to the VLP, for identifying non-profit organizations that are eligible and qualified to receive pro bono assistance and a plan by which such organizations could apply for certifications of eligibility. 5). The ADR Committee will be devoted to the recruitment of volunteers and delivery of ADR services. These Committees will meet at least quarterly.

B2.4 Terms of Service: The Board members shall serve for two (2) year terms, except that the initial terms of service (which may not exceed four (4) years) shall be staggered so that not all terms expire at the same time and continuity of service may be reasonably maintained.

B2.5 Replacement and Succession of Members: Replacement and succession of members shall be appointed by the judge designated by the Supreme Court. Replacement and succession of Board members shall be in conformity with all applicable Rules of the Supreme Court and the laws of the State of Indiana.

B2.6 Attendance: Any member who fails to attend, without adequate excuse, three (3) or more scheduled Board meetings, may be replaced at the discretion of the Co-Chairs or by majority vote of the Committee members.

B2.7 Incorporation: The Volunteer Lawyer Program of Southwestern Indiana, Inc. was incorporated as a non-profit organization on December 15, 2000.

*See Articles of Incorporation, Articles of Amendment to the*

*Articles of Incorporation, and Certificate of Incorporation  
(Attachment B)*

- B2.8 Governing Documents:  
*See Bylaws of Volunteer Lawyer Program of Southwestern  
Indiana, Inc.,<sup>1</sup> Assignment of Employer Identification Number  
Form, and Letter Verifying Application for Exemption under  
Section 501(c)(3) of the Internal Revenue Code(Attachment C)*
- B2.9 Frequency of Meeting: The District Committee shall meet at least  
quarterly each year.

**B3. Plan Administrator.**

- B3.1 Identification of Plan Administrator - At present, the Plan Administrator  
is a part-time, independent contractor position until sufficient funding  
can be secured to upgrade the position to full-time. Currently, Kay L.  
Pechin and Jennifer E. Hunt are filling this position by serving as Interim  
Plan Co-Administrators.
- B3.2 Duties: The responsibilities of the Plan Administrator include:  
implementation and oversight of the District Plan, formulation of and  
monitoring approved policies and procedures, collection and  
compilation of data and reports, management and disbursement of  
funds, preparation of budgets, coordination of county managers,  
development of long-term planning, facilitation of additional program  
funding, recruitment of attorneys and others for the delivery of pro bono  
civil legal service, reporting to and advising the Volunteer Lawyer  
Program in respect to all phases of its mission, goals, and tasks.  
*See Job Description (Attachment D)*
- B3.3 Funding: The VLP is currently able to pay the Interim Plan Co-  
Administrators on an hourly basis from funds received through a grant  
from the State's IOLTA Program.

**B4. Prior Year Progress**

- B4.1 Incorporation: The VLP became an incorporated non-profit entity on  
December 15, 2000.
- B4.2 Inventory of District 13 Attorneys: The VLP has begun conducting an  
inventory of  
attorneys

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<sup>1</sup> The VLP Bylaws are in the process of being amended to conform with the recommendations  
of the Board.

interested in participating in pro bono and their areas of practice. The survey collecting this information will be distributed in two ways. In Vanderburgh County, the local bar association monthly newsletter will include a copy of the survey as well as an information sheet about pro bono in the July 2001 issue. These surveys are to returned to Vanderburgh Superior Court Judge J. Douglas Knight's office, then forwarded to the VLP. In the outlying counties, which do not have regular bar association newsletters, judges will send a cover letter with the survey



to all of the attorneys in their county. These surveys are to be returned to the judges' offices, and then forwarded to the VLP. As these efforts have not yet been completed, we cannot report as to the effectiveness of the survey in recruiting attorneys.

- B4.3 Formalization of Roster of County Managers: The VLP has secured County Managers in each of the 11 counties in the District. The County Managers, who have already begun matching volunteer attorneys with cases in their counties, play a vital role in our pro bono program.  
*See Attached Roster (Attachment E)*
- B4.4 Formalization of Pro Bono Referral and Tracking Procedures: The referral, tracking, and follow-up procedures have been formalized and documented.  
*See Attached "Pro Bono Process" Chart (Attachment F)*
- B4.5 Implementation of Pro Bono Referral Process: Beginning in April 2001, the procedures outlined in the "Pro Bono Process" chart have been implemented successfully by matching attorneys with clients.
- B4.6 Hiring of Plan Administrator: Interim Plan Co-Administrators have been hired to begin coordinating the program. The formal hiring process has commenced. The Board will interview qualified candidates.
- B4.7 Memoranda of Understanding with Indiana Legal Services and the Legal Aid Society: The VLP has entered into agreements with the two legal service providers in our District to formalize the agreement to provide in-kind contributions to the VLP. VLP also commits to providing an efficient pro bono referral process.  
*See Attached Signed Memoranda of Agreement (Attachment G)*

- B4.8 Secure Mentoring Arrangement with ILS and LASE: ILS and LASE have agreed to volunteer the time and expertise of their professional staff to assist volunteer attorneys, particularly in areas that public interest lawyers have more experience in practicing. Also, they have agreed to provide free consultation to pro bono attorneys.  
*See Attached Signed Memoranda of Agreement (Attachment G)*
- B4.9 Planning of Continuing Legal Education Event with Evansville Bar Association: The Evansville Bar Association has agreed to work with the Education Committee to coordinate a training for pro bono attorneys which may offer attorneys free Continuing Legal Education Credit Hours in exchange for a commitment to do a specified amount of pro bono work.  
*See Letter of Cooperation from the Evansville Bar Association (Attachment G)*
- B4.10: Planning of Recognition Event for Pro Bono Attorneys: The VLP has been instrumental in starting the Pro Bono Recognition Award through the Evansville Bar Association. District 13 Co-Chair Judge J. Douglas Knight was the first recipient of this award. In addition, the VLP has obtained a commitment from the Evansville Bar Association to co-host a recognition event within the next year. *See Letter of Cooperation from Evansville Bar Association (Attachment G)*
- B4.11: Publicity of VLP: The VLP has received a grant from the Indiana Bar Foundation in the amount of \$4,000.00 to be used for promotional materials to attract volunteers and to inform potential clients of the service. In addition, the VLP will form a Publicity and Recruitment Committee.  
*See Letter of Grant Received from the Indiana Bar Foundation (Attachment H)*

**B5. Monitoring Methods.**

- B5.1 (a) Quality of Services: As we have just begun to make referrals in April, 2001, we have not had any clients' cases come to completion, and therefore we have not implemented the evaluation process so far. However, we have planned the evaluation process and have developed forms for this purpose. We would like to submit a supplemental report so that we may provide a complete report. Following is a description of the methods to be utilized to evaluate the quality of services.
- B5.1(a)1 Client Evaluations: An evaluation form will be given to the client. The client will be asked to return the completed form to the VLP. Volunteers or County Managers will follow-up with clients who do not respond to the

- evaluation in a timely manner. The goal is to receive at least a response rate of 75% from the clients.
- B5.1(a)2 Attorney Reports: Attorneys will be required to complete a simple case closing document which will include an evaluation of the program procedures, method of client screening, hours spent volunteering, dollar value of services provided, and suggestions for improvement. The Plan Administrator will be required to monitor these closing documents to insure a substantial compliance rate. If an attorney volunteers with an existing poverty law provider, that volunteer attorney will report his/her name and hours served to the Plan Administrator.
- B5.1(a)3 Recording: All evaluation documents will be collected by the Plan Administrator on a monthly basis to be used for regular and annual reporting. Both negative and positive feedback will be considered in evaluating the program, and changes may be made to the program as are effective and feasible.
- B5.2(b) Quantity of Services: Evaluation and recording of this data has already been started by the Co-Plan Administrators.
- B5.2(b)1 Number of Attorneys Participating: Lists of attorneys who participate will be maintained by County Managers and will be compiled in a central location by the Plan Administrator for the District program. This information is currently being tracked using the Microsoft Access Database System.
- B5.2(b)2 Number of Clients Served: Records are being maintained in several areas, including, but not limited to: (a) Incoming requests for individual services, (b) Number of people financially qualifying for services, (c) Number of people actually served, (d) Number of requests and number of those served by county, and (e) Number of requests

and number of those served by case type. As the program develops, records will also be kept in the following areas: (a) Number of recipients of other VLP programs outside of direct client service, such as educational programs, “ask-a-lawyer” activities, etc., and (b) Numbers related to informational services, such as printed brochures mailed, web-site hits if applicable, etc., These records will be kept at the point of intake and collected by the Plan Administrator for compilation. The collection will be done on a monthly basis to be incorporated into periodic and annual reports.

B5.2(b)3 Number of Hours: Attorney hours and dollar value of services provided will be counted from the case or program closing documents and maintained on a county and district basis.

B5.2(b)4 Evaluation of Data: The data collected and incorporated into reports will be used to evaluate the program. This will help determine where the VLP needs to focus its attention. For example, if the requests for service greatly outweigh the numbers of volunteer attorneys, then recruitment activities need to be increased. The VLP will be able to determine which counties may need more recruitment efforts and in which areas of law. This data will also help guide the VLP in its efforts to provide training to the volunteer attorneys and in its effort to develop program alternatives to direct client representation.

B5.3 (c) Costs of Services: Costs of the program will be tracked in several categories, including but not limited to Intake, Plan Administrator and Assistant, General Office Expenses, Training, and Litigation and Out-of-Pocket Expenses for Volunteer Attorneys. Quick Books is the program being used to track income and expenses of the VLP by category. The VLP records postage, copies, faxes, and long distance phone calls made at the ILS office, and reimburses the ILS

on a monthly basis.

B5.4 (d) Collection of Client Stories: On the Client Evaluation Form that all clients of the VLP receive upon closure of their case, they will be asked if they would be agreeable to being interviewed by the VLP to collect information about their case. It will be made clear that this will be used anonymously for the purposes of recognition, recruitment, or program awareness only.

B5.5 (e) Records Collected in Past Year:

*See Client List, Attorney List, Quick Books Records (Attachment I)*

**B6. Monitoring Results.**

As we have just begun matching volunteer attorneys to clients in April of 2001, it is too early for us to have received feedback on completed cases. The pieces of information that we have been able to track so far are client name, problem type, county, and attorney who accepted the case. We have seen that most of the cases have been in our two most populated counties, Vanderburgh and Knox. Also, we have found that most of the requests have been for Family Law issues, primarily divorce. We intend to submit a supplemental report in August so that we may provide more complete information as to our monitoring results.

**B7. Existing Services, Programs, and Funding Sources.**

B7a *See List of Existing Legal Services and Pro Bono Programs (Attachment J)*

B7b Organizations that are currently participating include several committees of the EBA. The Women in Law Committee is currently working with domestic violence shelters to provide free legal consultation to residents. The Alternative Dispute Resolution Committee is committed to providing free mediation and other services, and this committee has been called upon to provide pro bono services. In addition, the Elder Law Committee has been providing pro bono legal services specific to the elderly.

Organizations that the VLP has targeted for participation include a variety of community service providers who serve individuals who would likely qualify for and be in need of pro bono services. The VLP has targeted the following agencies for the dissemination of information about the program and to recruit non-attorney volunteers who may be of assistance to pro bono clients: Catholic Charities, Family and Children Services, Inc., Crisis Connection of Spencer, Dubois and Perry Counties, the Harbor House Domestic Violence Shelter of Knox

County, Albion Fellows Bacon Center, YWCA domestic violence shelter, homeless shelters and counseling agencies throughout District 13, the Evansville Coalition for the Homeless Outreach Team and Health Clinic, schools and libraries within District 13, Neighborhood Associations, Court Reporters, churches, the United Way of Southwestern Indiana, and trade organizations.

- B7c As stated above, the VLP has received a grant in the amount of \$4,000 from the Indiana Bar Foundation to be used for promotional materials. In addition, the VLP has requested funds from the Wellborn Foundation and is awaiting a response to that request.

*See Letter of Grant Received from the Indiana Bar Foundation (Attachment I)*

*See Letter of Request for Funds to Welborn Foundation and Letter of Rejection from Welborn Foundation (Attachment K)*

**B8. Current Legal Service Delivery System and the Pro Bono Aspect of the System.**

- B8.1 Identifying and Screening Clients: The Pro Bono Applicant may access District pro bono civil legal services by two methods: (a.) ILS/LASE Access, or (b.) County Manager Access.
- B8.2 Referral and Matching Process: The eligible applicant maybe referred to the other legal service provider, an appropriate Evansville Bar Association Program, a Lawyer Referral Service, or the Volunteer Lawyer Program. If the applicant is referred to the VLP, the Plan Administrator will review the case for eligibility. If the referral is within Vanderburgh County, the Plan Administrator will match the case to an attorney who has expressed interest in taking the specific type of case presented as indicated on the Recruitment Survey form. The Plan Administrator makes a personal contact with the attorney, describes the case, and if the attorney accepts the case, the Plan Administrator sends the intake and any other documentation to the attorney. Then the Plan Administrator contacts the applicant in writing with the attorney's phone number and directs the applicant to contact the attorney to schedule an appointment.

When a case is referred to the VLP for a client who's matter is in a District 13 county other than Vanderburgh, the Plan Administrator contacts the County Manager after reviewing the case for eligibility. The same matching process is undertaken by the County Manager.

- B8.3 Out of Pocket Costs for Pro Bono Attorneys: We currently have \$5,000.00 in our budget for litigation and other expenses associated with representation such as record production, copying, testing (DNA,

Drug, etc.), special process service, publication costs, expert consultation fees, witness fees, etc. Volunteering attorneys are given a form in their initial referral packet which they may submit for approval of reimbursement of these costs from the VLP.

- B8.4 **Mentoring/Consultation:** Attorneys at LASE and ILS have volunteered their services to be available for mentoring of new attorneys and consultation on pro bono cases. On the registration form for pro bono participation, attorneys are given the opportunity to indicate whether they want to receive or provide this type of assistance. Pro Bono attorneys are encouraged to contact ILS and LASE attorneys to ask questions, to utilize the ILS law library, and to utilize ILS or LASE facilities if it would assist in the representation of a pro bono client. Attorneys will be reminded of this service through additional promotional materials and other recruitment tools.
- B8.5 **Malpractice Insurance:** Currently we do not have funding available to provide professional liability insurance for pro bono casework coordinated by the VLP, however it is something that we hope to secure in the future. On our Enrollment Form, we ask attorneys whether their current professional liability insurance will cover pro bono work and we make it clear that we are unable to provide it at this time. We are in the process of applying for membership with the National Legal Aid and Defense Association (NLADA). This would allow us to access malpractice insurance for our pro bono attorneys through the NLADA.
- B8.6 **Administration and Record-Keeping:** The Plan Administrator is primarily responsible for the administration and record keeping of the assigned cases. The Plan Administrator keeps track of referrals and all other forms used during the pro bono process. The County Managers play an important role in the administration of the Program in that they match volunteers to cases. The volunteers themselves are involved with record keeping by completing case closing forms which provide data about the cases and their work. The Plan Administrator, however, is primarily responsible for collecting organizing, and utilizing all of this data and for ensuring that referrals are made in an expedient and responsible manner and to track follow-through on the case.
- B8.7 **Recognition of Pro Bono Attorneys:** Our two most populated counties, Vanderburgh and Knox, currently have a regular format for recognizing Pro Bono attorneys. In Vanderburgh County, the names of attorneys who have volunteered are published in the monthly Evansville Bar Association Newsletter in an article entitled “Who has done something for nothing?”. Also, the EBA has recently implemented a Pro Bono

Award that is given at its annual Law Day Dinner for outstanding involvement in pro bono activities. In Knox County, Judge Timothy Crowley sees to it that the names of volunteer attorneys are posted on a bulletin board in the court house. In the other counties, we will regularly contact local media with public service announcements as well as recognize volunteers at local Bar Association meetings on a yearly basis. Other recognition ideas, such as an event co-hosted with the Evansville Bar Association, will be further developed by the Publicity and Recruitment Committee.

B8.8 Additional Support for Pro Bono Attorneys: The VLP aims to increase pro bono participation by making the entire process as easy as possible for volunteer attorneys. In addition to screening, matching, tracking, mentoring, consultation, and the other supports listed above, the VLP will support the pro bono lawyers by providing the following:

1. Training: The VLP will coordinate training programs for the volunteer lawyers. Topics will be determined after more data has been collected as to what types of cases are being referred to the program and what interests the volunteer attorneys express. The VLP has already obtained commitments from LASE, ILS, and the EBA to assist with these trainings, and have had discussions with the local bar association to work out a program that would allow for Continuing Legal Education Credit Hours in exchange for pro bono work.
- b. Resources: Pro bono attorneys will be made aware of resources available to them including free Lexus research access for pro bono work, websites that would be of use to pro bono attorneys, and the use of the ILS library. Additional resources, such as the possibility of utilizing law students to do research for pro bono volunteers will be considered and developed by the Education Committee.
3. Pro Se Forms: ILS and LASE have been utilizing pro se forms with many of their clients in simple matters. The forms will be offered to pro bono attorneys as appropriate. A goal of the VLP is to create a standard set of pro se forms that are approved by the judiciary to be distributed throughout the community in locations such as schools and libraries.
4. Attorney Evaluation Forms: The volunteer attorneys will have the opportunity to provide feedback to the VLP as to what they need to support them and what suggestions they may have to improve the program.



3. 2001 Annual Plan

**C.1 List of Problems and Barriers that Lower Income Residents Face in Accessing the Court System** (Ranked according to priority with number 1 being the highest priority and number 10 being the lowest)

**Problem/Barrier No. 1**

There is not funding available for a full-time Plan Administrator to provide necessary coordination and administrative support for the VLP and facilitate the activities and opportunities identified in Rule 6.5. Currently, there is only funding available for a part-time Administrator, which is temporarily being filled by two Plan Co-Administrators. However, the position requires more than the 20 hours per week that is currently available. A full-time Plan Administrator is needed to provide: implementation and oversight of the District Plan on a daily basis, formulation of and monitoring of approved policies and procedures, collection and compilation of data and reports, management and disbursement of funds, preparation of budgets, coordination of county managers, development of long-term planning, reporting to and advising the VLP in respect to all phases of its Mission.

**Problem/Barrier No. 2**

Due to staffing constraints, budgetary limitations, ethical conflicts, and program restrictions, access to the available legal service providers is delayed or denied to a significant number of qualified and deserving poverty level applicants for civil legal service.

**Problem/Barrier No. 3**

There is a need for more attorneys to participate in pro bono service. Currently, there are a few attorneys in each county who take pro bono cases. This number must be expanded to prevent burnout of participating attorneys and to provide adequate service to all the eligible clients in District 13.

**Problem/Barrier No. 4**

There is a lack of economical dispute resolution mechanism for legal and quasi-legal issues affecting the poor, which do not warrant litigation or substantial commitments of legal resources in a formal manner. The VLP has taken steps in this direction by encouraging attorneys to volunteer for this type of assistance and by providing a place to sign up for this on the registration

form.

**Problem/Barrier No. 5**

Many clients appear court uninformed, unrepresented, and only in need of brief advice, particularly in small claims, housing court, and family law court. These clients may not be in need of full representation, but perhaps only some advice as to their rights and the legal process. The result of this free and accessible advice is that many indigent clients are taken advantage of by more savvy litigants.

**Problem/Barrier No. 6**

There is a need for a current Legal Needs Study to identify and prioritize pro bono legal services targeting the indigent population within this District. This information will be used to develop services that are directly targeted at the actual need in the District.

**Problem/Barrier No.7**

There are inadequate resources to support indigent civil advocacy. This was presented as a barrier in the last report and has been addressed to some degree. The VLP has \$5,000 in its budget to reimburse attorneys for litigation tools which are necessary for representation of their pro bono clients. However, this is an inadequate amount of money and still prohibits many traditional litigation tools from being used with indigent clients.

**Problem/Barrier No. 8**

A District wide mechanism by which indigent individuals may access legal services cheaply and swiftly from any location in the District has been created in the form of a toll-free (1-800) hotline which is run by ILS. Clients who call this line may be referred to the VLP, and the VLP will receive the intake information taken via the hotline. However, this is still a barrier because the hotline is not owned or controlled by the VLP, and therefore the VLP has limited input as to the workings of the hotline and cannot fit the hotline to the VLP's specific needs. In addition, the hotline is still working out kinks as far as its procedures and efficiency and it tends to be cumbersome for applicants.

**Problem/Barrier No. 9**

Certain nonprofit and charitable organizations who benefit the poor are in need of legal services which are inadequately supplied. The VLP is working on this problem by recruiting

attorneys who might be interested in providing this type of service. However, this is still considered a barrier because no attorneys have expressed interest in providing this type of assistance yet.

**Problem/Barrier No. 10**

Clients need to know about the available pro bono services. Currently, there has been no formal promotion of the hotline or pro bono service to the eligible client population. It is necessary to build up the volunteer base before we can proceed with informing the general public. However, this is a barrier because clients cannot access a service that they do not know exists.

**C.2 Problem/Barrier Worksheets**

**Problem/Barrier No. 1**

- C.2(1)a. **Problem Identification:** There is not funding available for a full-time Plan Administrator to provide necessary coordination and administrative support for the VLP and facilitate the activities and opportunities identified in Rule 6.5. Currently, there is only funding available for a part-time Administrator, which is temporarily being filled by two Plan Co-Administrators. However, the position requires more than the 20 hours per week that is currently available. A full-time Plan Administrator is needed to provide: implementation and oversight of the District Plan on a daily basis, formulation of and monitoring of approved policies and procedures, collection and compilation of data and reports, management and disbursement of funds, preparation of budgets, coordination of county managers, development of long-term planning, reporting to and advising the VLP in respect to all phases of its Mission.
- C.2(1)b. **Supportive Data:** The VLP is currently being operated by two Interim Plan Co-Administrators who are only available for a total of twenty (20) hours per week. The VLP has found from experience that this is not enough time to effectively implement all phases of the VLP's mission, the specific tasks of which are listed in "1a." above.
- C.2(1)c. **Recommended Actions:** 1. The VLP will apply for funding and supplement this with fund-raising and donations in order to hire a full-time Plan Administrator. 2. In the meantime, the VLP will continue to solicit participation of District 13 attorneys with the following activities:
- (i) Represent persons of limited means through case referral.
  - (2) Represent persons of limited means through direct contact.
  - (3) Represent community groups serving persons of limited means through case referral.
  - (4) Interview and determine eligibility of prospective pro bono clients.

- (5) Act as co-counsel on cases or matters with civil legal assistance providers and other pro bono attorneys.
- (6) Provide consultation services to civil legal assistance providers for case review and evaluations.
- (7) Provide training to the staff of civil legal assistance providers and other pro bono volunteers.
- (8) Make presentations to persons of limited means regarding their rights and obligations under the law.
- (9) Provide legal research.
- (10) Provide a mediator or arbitrator to eligible pro bono clients.

C.2(1)d. **Coordination:** 1. The fund-raising efforts will be undertaken primarily by the Plan Administrator. The application for funds will be done by the Plan Administrator. Other fund-raising efforts will be done in conjunction with ILS, LASE, EBA, and the other bar associations within District 13. This may include written appeals to bar members as well as fund-raising events such as dinners or speakers. 2. Coordination of the activities to be provided by local attorneys in support of the VLP will be primarily coordinated by the VLP and the County Managers. As the VLP receives requests for service, the Plan Administrator will contact County Managers who will intern solicit volunteers. A goal of the VLP is to have more time and effort put into recruitment of volunteers. This would in turn help the County Managers by increasing their pool of volunteers, which ultimately means that more applicants can be served.

C.2(1)e. **Expected Results:** A full-time Plan Administrator would be able to do a more thorough and effective recruitment effort of volunteers and implement a comprehensive campaign to ensure that potential pro bono clients are aware of services. In addition, a full-time Plan Administrator would be able to create and develop specialized programs other than direct representation such as an “Ask-a-Lawyer” hotline, clinics, pro se assistance, etc., that would specifically meet the needs and interests of potential clients as well as volunteers. This would ultimately result in greater access to justice for low-income individuals.

C.2(1)f. **Benchmarks:** The goal for this barrier is to obtain the funds for a full-time Plan Administrator. This will be considered accomplished once those funds are secured.

C.2(1)g: **Costs Associated with Benchmarks:** The projected cost for hiring a full-time Plan Administrator is \$65,000.00 if the VLP were able to hire an attorney for this position, or \$40,000 for a non-attorney. An attorney is preferred.  
*See Attached Budget (Attachment L)*

## **Problem/Barrier No. 2**

- C.2(2)a. **Problem Identification:** Due to staffing constraints, budgetary limitations, ethical conflicts, and program restrictions, access to the available legal service providers is delayed or denied to a significant number of qualified and deserving poverty level applicants for civil legal service.
- C.2(2)b. **Supportive Data:** Annual service reports, program budgets, bylaws, and established policy restrictions.
- C.2(2)c. **Recommended Actions:** Increased pro bono activity will help alleviate this problem. Therefore, the recommended action is to increase pro bono activity through recruitment, incentives to volunteers, support for the pro bono attorneys, and other promotion of the program. The plan for recruiting pro bono attorneys is outlined below in C.2(3).
- C.2(2)d. **Coordination:** These efforts will be coordinated with ILS, LASE, the EBA, and other local bar associations, as well as with the media and local judiciary. The VLP must coordinate with the local bars as well as legal service providers in order for this plan to work and be effective at all.
- C.2(2)e. **Expected Results:** The expectation is that an increase in pro bono involvement will help more people in District 13 access justice, no matter what their economic status is. Pro bono attorneys will be able to take cases that would normally be rejected by ILS or LASE due to conflicts, program restrictions, or lack of attorney resources. Pro bono involvement will help fill this gap.
- C.2(2)f. **Benchmarks:** The goal is to provide pro bono assistance to at least 75% of all clients who meet the financial and case guidelines of ILS and are rejected due to conflicts or unavailability of service providers. This may be in the form of representation, consultation, or other brief service. Data is being tracked to show how many cases are referred to the VLP, and of those cases, how many actually receive pro bono assistance. Cases that are referred to the VLP would not be matched to a volunteer only if the case lacks merit, the case is income producing, it is too complicated, or a volunteer cannot be located with the expertise needed for a particular case. The VLP will easily be able to see if they met their goal by reviewing this data.
- C.2(2)g. **Costs associated with Benchmarks:** The cost associated with this benchmark is the portion of the Plan Administrator's time needed to perform recruitment, support services, tracking, and promotional activities of the VLP.  
*See Budget (Attachment L)*

### **Problem/Barrier No. 3**

- C.2(3)a. **Problem Identification:** There is a need for more attorneys to participate in pro bono service. Currently, there are a few attorneys in each county who can be relied upon to take pro bono cases. This number must be expanded to prevent burnout in those that do volunteer and to provide adequate service to all the eligible clients in District 13.
- C.2(3)b. **Supportive Data:** Reports of case acceptance and rejection from ILS show that many income-eligible people are rejected every month because ILS does not have the resources to represent them. LASE and ILS must reject low-income clients when there is a conflict. If these cases cannot be taken by the other service provider, then the individuals are left with no alternatives. This indicates that there is a need for pro bono attorneys to fill this gap. Right now, there are not enough pro bono attorneys to meet this need. The EBA and ILS have limited rosters of attorneys who have volunteered to provide pro bono service, and these individuals are turned to again and again. The pool of attorneys needs to be expanded.  
*See Pro Bono Roster of ILS (Attachment M)*  
*See Pro Bono Roster of EBA (Attachment N)*
- C.2(3)c. **Recommended Actions to Address Barriers and Problems:** The VLP will address this problem/barrier by recruiting more attorneys. In addition to publicity efforts, the VLP will provide supports to pro bono attorneys and recognition which may attract more volunteers and help maintain volunteer involvement.
1. Recruitment Activities:
    1. The VLP has begun recruitment by sending out surveys and information about the VLP to all of the attorneys in District 13. The surveys serve to collect information about what type of pro bono services an attorney may be able to provide and also serves as enrollment into the VLP. The materials are being sent through the Evansville Bar Association Newsletter and are to be returned to Judge Knight's office, who will then forward them to the VLP. In other counties, the surveys will be returned to local judges.
    - b. The VLP will be called upon to make presentations to their local bar associations to promote the program.
    - c. The Recruitment and Publicity Committee will formulate and implement additional recruitment ideas after evaluating the success of the above methods.
    4. The VLP plans to publish a periodic newsletter which will inform attorneys of the benefits of pro bono work, volunteer opportunities and new programs, educational programs, and will recognize those who have performed pro bono service.

2. Support for Attorneys: By making these supports available and known to attorneys, it is expected that this will encourage increased participation.
  1. The VLP provides an organized and efficient system for attorneys who wish to volunteer pro bono. The VLP provides the screening and intake of clients, matching, follow-up, administration, record-keeping, and ongoing evaluation.
  2. The VLP is able to reimburse attorneys for reasonable expenses associated with representation of pro bono clients.
  3. The VLP has arranged for legal service providers to be available for consultation and mentoring of pro bono volunteers.
  4. The VLP has obtained commitments from the EBA, ILS, and LASE to coordinate trainings for pro bono attorneys. After some more data has been collected, it will be determined what topics would be most useful. The Education Committee will take on the responsibility for implementing this program.
  5. Pro bono attorneys will be made aware of resources available to them including free Lexis research access for pro bono work, websites that would be of use to pro bono attorneys, and the use of the ILS law library. Additional resources, such as the use of law students to do research for pro bono volunteers will be considered and developed by the Education Committee.
  6. Pro se forms will be made available to the volunteer attorneys. The VLP will work in conjunction with the ILS and LASE to create a standard set of pro se forms to be approved by the judiciary. Once approved, these forms will be made available at libraries, schools, other public locations, and the pro bono attorneys.
  7. Attorney evaluation forms provide additional support to the attorneys in that it is their opportunity to give feedback as to what they or other volunteers might need to support them.
3. Recognition:
  1. Currently Vanderburgh County recognizes pro bono work by publishing the names of volunteers in the monthly EBA newsletter. The VLP has been instrumental in starting the Pro Bono Award to be given annually by the EBA. In Knox County, Judge Crowley posts the names of attorneys who have taken pro bono cases on a board in the courthouse. The VLP will continue to support these efforts.
  - b. The VLP will regularly contact the media throughout the District with public service announcements.
  3. The VLP members will attend local Bar Association meetings for

yearly recognition of volunteers.

4. The VLP may produce a newsletters for attorneys in District 13 that would include not only name recognition of volunteers, but would also highlight some pro bono stories.
5. The VLP is working with the EBA to co-host a yearly event for pro bono volunteers, in addition to what the EBA already does with the Pro Bono Award which is given at the annual Law Day Dinner.
6. Other recognition opportunities will be further developed by the Publicity and Recruitment Committee.

C.2(3)d.

**Coordination:** The efforts of the VLP to recruit and retain volunteer attorneys require coordination with other concerned entities.

*See Memoranda of Agreement with ILS, LASE, and EBA (Attachment G)*

*See Letter Requesting Judges' Involvement in Recruitment (Attachment O)*

d.1. Recruitment

1. The surveys/enrollment forms that are being sent out are a result of the coordination of the judiciary throughout District 13 and the EBA. The judges in each county of our District have participated in the recruitment process by passing out letters tailored to their local bar asking for their involvement, and by agreeing to collect the forms and return them to the VLP. In addition, the VLP has coordinated with the EBA by getting regular space in their monthly newsletter to recognize volunteers.
2. The VLP will coordinate efforts with local bar associations so that they may make periodic presentations to the bars to explain and promote the program.
3. The Recruitment and Publicity Committee will explore other ways it can collaborate with other entities to increase recruitment.
4. The production of a newsletter will require coordination of efforts of local bar associations and the VLP, particularly the Recruitment and Publicity Committee. Local bars and the VLP will be instrumental in assisting with the collection and submission of interesting stories and news items that should be reported.

d.2. Supports

*See Memoranda of Agreement with ILS, LASE, and EBA (Attachment G)*

1. The VLP's intake and screening process is possible because of a coordination of efforts with ILS, LASE, and the EBA. Each of these entities has given input into the process and must



coordinate efforts because they will all be very involved with sending clients to the VLP.

2. Consultation and mentoring will be available for pro bono attorneys from attorneys and other professionals who are already providing legal services in the District.
3. Training will be given to pro bono attorneys on topics relevant to pro bono clients. The VLP and the EBA are working on an arrangement where attorneys may receive free Continuing Legal Education Credit Hours in exchange for agreeing to provide so much pro bono service.
4. Resources such as research, free access to Lexis for pro bono purposes, informational websites with pro se forms approved of by the judiciary, as well as others will be made known and easily accessible to pro bono attorneys.

d.3. Recognition:

- a. The VLP will coordinate with local Bar Associations in its attempt to recognize attorneys at each of the local Bars on an annual basis. The Board Members will be asked to help organize the local recognition event in their county, with the help of the Recruitment and Publicity Committee, and will be asked to represent the VLP at those meetings. In addition, local Bar Association will be asked to coordinate with the VLP to allow this to happen.
2. The VLP is working with the EBA to co-host an annual recognition event for pro bono attorneys. Plans for such an event are in the early stages, but the VLP has a commitment of support from the EBA in this effort.
- c. The Recruitment and Publicity Committee will explore other avenues of collaboration and coordination to recruit and recognize volunteers.

- 3e. **Expected Results:** It is expected that these efforts will result in an increase in the number of attorneys participating in pro bono service, and that those who participate will be more likely to stay with the program because of the supports and recognition provided. Also, a larger pool of attorneys means that the same attorneys will not be used as a referral as frequently, and the incidence of burnout should lessen. A larger pool of pro bono attorneys means that more individuals will be able to access justice, no matter what their economic status is.

C.2(3)f. **Benchmarks:** The VLP certainly intends to see an increase in pro bono participation. So far, the VLP has matched approximately 10 pro bono attorneys with clients. As the program has just recently been implemented, there are no statistics from a previous year with which to compare. However, the VLP will track the number of attorneys, hours, and monetary value of pro bono service performed over the next year. The goal will be to increase it even more the following year.

C.2(3)g. **Costs Associated With Benchmarks:** The costs associated with this include the portion of the Plan Administrator's time spent on recruitment, recognition, retention, promotion, and organizing trainings and other supports for the attorneys. There will be other costs including promotional materials, the presentation of trainings, and recognition events.

*See Budget (Attachment L)*

#### **Problem/Barrier No. 4**

C.2(4)a. **Problem Identification:** There is a lack of economical alternative dispute resolution mechanisms for legal and quasi-legal issues affecting the poor, which do not warrant litigation or substantial commitments of legal resources in a formal manner. The VLP has taken steps in this direction by encouraging attorneys to volunteer to provide this type of assistance by signing up on their registration form.

C.2(4)b. **Supportive Data:** Neighborhood Association meeting discussions, Evansville Bar Association reports from its Alternative Dispute Resolution Committee and Lawyer Referral Service call experiences.

C.2(4)c. **Recommended Actions:**

1. Solicitation of attorneys in the District who will commit to providing Alternative Dispute Resolution (formal or informal) services.
2. Inform neighborhood associations and community groups concerned with assisting persons of limited means through minor legal and quasi-legal issues of the availability of ADR services.
3. The VLP will screen and refer attorneys from a panel of attorneys willing to provide ADR services.
4. The VLP will form an ADR Committee to populate a panel devoted to the recruitment and delivery of ADR services.

C.2(4)d. **Coordination:** This benchmark will require the coordination of neighborhood associations and other community groups in order to promote this program to the low-income population. In addition, the VLP will coordinate efforts with volunteer attorneys who wish to provide this service by providing them the supports listed above. The VLP

will work to attract attorneys to provide this service.

- C.2(4)e. **Expected Results:** Cases which might otherwise result in lawsuits or criminal prosecutions or due process proceedings may be informally adjusted on a harmonious and voluntary basis.
- C.2(4)f. **Benchmarks:** The VLP will form an ADR Committee devoted to the recruitment of volunteers and delivery of ADR services. The Committee will report its progress to the VLP on a regular basis.
- C. 2(4)g. **Costs Associated with Benchmarks:** The portion of the Plan Administrator's time required for the recruitment, referral, follow-up, promotion, and implementation needed for this program to function.  
*See Budget (Attachment L)*

#### **Problem/Barrier No. 5**

- C.2(5)a. **Problem Identification:** Many clients appear in court uninformed, unrepresented, and only in need of brief advice, particularly in small claims, housing court, and family law court. These clients may not be in need of full representation, but perhaps only some advice as to their rights and the legal process. The result of this is that many indigent clients are taken advantage of by more savvy litigants.
- C.2(5)b. **Supportive Data:** This data comes from anecdotal reports from the judiciary and attorneys who practice in small claims, housing court, and family law court, in addition to reports from clients who have utilized the services of ILS or LASE of what has happened to them in the past.
- C.2(5)c. **Recommended Actions:** The VLP intends to create a program to address this very problem, starting with assisting indigent litigants in small claims court in Vanderburgh County. The program will be expanded to other court settings and to the other counties throughout the District. However, in the beginning, volunteer attorneys from Vanderburgh County will be solicited to be available in the courthouse at a time that coincides with small claims court. They will be available to answer questions, inform litigants of their rights, and give them some tips on the court process. These attorneys will not represent these clients, they are merely a support to pro se litigants in small claims. This program will be publicized through the local media and through ILS and LASE. This may be an attractive volunteer opportunity to attorneys who may not want to represent clients or who may be interested in a more limited experience, both in the terms of involvement and time commitment.

- C.2(5)d. **Coordination:** This program will require coordination with ILS and LASE to provide helpful brochures and materials for the volunteer attorneys to utilize. Also, the VLP will coordinate with members of the EBA to recruit volunteers. The judiciary will need to be involved for approval and suggestions. Information about this program will be distributed not only through the media, but through social service agencies that serve the indigent population, as well.
- C.2(5)e. **Expected Results:** We expect that this will “level the playing field” for indigent clients as they confront more experienced and perhaps more savvy litigants. This will allow for fair and equal access to the justice system, regardless of income.
- C.2(5)f. **Benchmarks:** Our goal is to have attorneys scheduled every week to assist with small claims court. Another goal is to serve 100 individuals within a 6 month period. After the first six months of the program, it will be reevaluated and expansion of the program to other court settings and other counties may begin at that time. The VLP will be able to track the number of individuals that are served through this program by creating simple forms for the volunteers attorneys to fill out after every volunteer session. They will track information such as number of clients they assisted, and what types of information they provided.
- C.2(5)g. **Costs Associated with Benchmarks:** The costs for this program would include the production of informational materials to be utilized by the volunteer attorneys, printing of data tracking forms, and a portion of the Plan Administrator’s time to coordinate and implement this program.  
*See Budget (Attachment L)*

#### **Problem/Barrier No. 6**

- C.2(6)a. **Problem Identification:** There is a need for a current Legal Needs Study to identify and prioritize pro bono legal services targeting the indigent population within this District. This information will be used to develop services that are directly targeted at the actual need in the District. This problem was identified in the last District 13 report and plan, however, due to lack of funding for a full-time Plan Administrator, the VLP has not had the time to undertake this project. It is planned to be begun within the next year.
- C.2(6)b. **Supportive Data:** Practical experience and research efforts of the VLP.
- C.2(6)c. **Recommended Actions:** Activities to be undertaken by the attorneys in the District to address this barrier include:
5. Draft and send requests for information (RFI’s) or surveys to clients of the pro bono and legal services programs, as well as organizations and entities which

6. serve the poor or have a helpful awareness of the legal needs of the poor.
7. Recruit experts in the area of community surveying, such as the United Way of Southwestern Indiana.
8. Compile and interpret the survey results.
9. Adjust existing programs and/or develop new programs which will service the identified needs.
10. Repeat and/or expand this survey periodically.
11. The VLP will create a Needs Study Committee to create a survey, identify targets to survey, recruit volunteers to aid in the process and compile the survey results.

C.2(6)d. **Coordination:** This process will require coordination of the VLP members to participate on the Committee. It will also require participation of social service providers and experts in community surveying in order to make this an effective tool.

C.2(6)e. **Expected Results:** Identification of unmet civil legal service needs of the poverty level population that can be addressed and serviced by the legal community.

C.2(6)f. **Benchmarks:** After the Needs Study Committee is formed, it will establish a timetable for the development of a survey, implementation of the survey, and for making a report back to the VLP. The VLP will consider this report and use the data to evaluate the whether the programs and services being offered match the actual need.

C.2(6)g. **Costs Associated with Benchmarks:** The costs of this benchmark will include creating, printing and mailing costs of the survey, compiling, printing and distributing the results, as well as a portion of the Plan Administrator's time.  
*See Budget (Attachment L)*

### **Problem/Barrier No.7**

C.2(7)a. **Problem Identification:** There are inadequate resources to support indigent civil advocacy. This was presented as a barrier in the last District 13 report and has been addressed to some degree. The VLP has \$5,000 in its budget to reimburse attorneys for litigation tools which are necessary for representation of their pro bono clients. However, this is an inadequate amount of money and still prohibits many traditional litigation tools from being used with indigent clients.

C.2(7)b. **Supportive Data:** Legal practice experience.

C.2(7)c. **Recommended Actions:** The VLP currently has \$5,000 in its budget to help volunteers pay for litigation tools for pro bono clients' cases. However, this money has not been

utilized as of yet. Part of the reason for that is that the VLP has just begun matching attorneys to pro bono clients in April. So far, the VLP has made approximately 10 matches. In order to utilize this funding source, the pool of volunteer attorneys must be increased. Therefore, the first task is performing the recruitment tasks outlined above in section C.2(3)a-g. As a part of the recruitment process, potential volunteers will be informed that this money exists and is an incentive for participation. The expenditure of these funds will be tracked by the VLP. The VLP has already created a request for funds form, and will track approved disbursements.

In addition to utilizing the existing money for case development, the VLP will undertake the following to sustain this fund:

The VLP and other attorneys will be asked to make presentations to bar associations, civic organizations, churches, clubs, etc., to recruit volunteer supporters such as mediators, expert witnesses (consultation and testimony), court reporters (to donate a fixed number of depositions each year), translators and interpreters, research services (computer and human), etc.

1. The VLP and other attorneys will be asked to solicit donations and identify fund-raising opportunities.

C.2(7)d. **Coordination:** The VLP will coordinate efforts with attorneys and other professionals within District 13 for the donation of services to assist with pro bono case development. Also, the VLP will make sure that volunteer attorneys are aware of these funds and the proper usage of them.

C.2(7)e. **Expected Results:** More resources will become available to support indigent civil legal advocacy. Individuals will come forward to volunteer services: investigators, court reporter deposition services, expert consultation and testimony, etc. Pro bono representation will become more effective, more cost efficient, and more attractive to potential volunteers.

C.2(7)f. **Benchmarks:** The goal is to utilize the funds available over a year's time while securing resources to replenish the funds for the next year. The VLP's tracking of the use of these funds will allow for a yearly evaluation of the need for such funds. This will help the VLP determine whether it needs to focus on increasing this pot of money.

C.2(7)g. **Costs Associated with Benchmarks:** The cost associated with this benchmark is the portion of the Plan Administrator's time necessary for the disbursement of funds, tracking this disbursement, solicitation and fund-raising, and evaluation of the need for these funds.

*See Budget (Attachment L)*

### **Problem/Barrier No. 8**

- C.2(8)a. **Problem Identification:** A District wide mechanism by which indigent individuals may access legal services cheaply and swiftly from any location in the District has been created in the form of a toll-free (1-800) hotline which is run by ILS. Clients from Vanderburgh County who call the hotline are referred to LASE. Clients who call this line may be referred to the VLP, and the VLP will receive the intake information taken via the hotline. However, this is still a barrier because the hotline is not owned or controlled by the VLP, and therefore the VLP has limited input as to the workings of the hotline and cannot fit the hotline to the VLP's specific needs. In addition, the hotline is still working out kinks as far as its procedures and efficiency and it tends to be cumbersome for applicants. The hotline intake hours are from 10:00 a.m. to 12:00 p.m. on Mondays and Wednesdays and from 5:00 p.m. to 7:00 p.m. on Tuesdays. The limited access to this number presents a barrier as well.
- C.2(8)b. **Supportive Data:** The *Legal Needs Study of the Poor In Indiana* (February 1992) prepared by the United Way/Community Service Council of Central Indiana and the *Comprehensive Community Assessment*, Vanderburgh County Critical Issues Survey, (1999), by the United Way of Southwestern Indiana identified this to be a barrier. In addition, practical use of the system in place has shown that this still poses a barrier to indigent clients for the reasons stated above.
- C.2(8)c. **Recommended Actions:** Continue to utilize the existing toll-free telephone intake system. In addition, the Plan Administrator will work closely with ILS, the organization operating the intake system, to provide suggestions as to how to make the system more accessible for clients and tailored to fit the VLP's needs. Currently, the Interim Plan Co-Administrators have been working with the intake system director by creating intake forms for the VLP, and talking and e-mailing the director with suggestions. Ideally, the VLP will eventually run its own separate intake telephone system.
- C.2(8)d. **Coordination:** This action step relies completely upon coordinating efforts with the existing intake systems of ILS and LASE. In addition, LASE and the EBA are being brought into this process so that all of the legal service entities may give input as to how best to do this and may coordinate all of our efforts to ensure the most efficient system possible for applicants as well as for the VLP.
- C.2(8)e. **Expected Results:** It is anticipated that a greater number of indigent clients in need of civil legal services will request and receive pro bono services if the way to apply for services is easily accessible. It is hoped that the efforts described above will improve the system, thus allowing for more indigent individuals to access pro bono legal services.

- C.2(8)f. **Benchmarks:** The telephone intake system being run by ILS is already in place. The VLP plans to improve this system and make it more easily accessible to applicants. After necessary adjustments are made to the system, the VLP expects to see an increase in the number of people utilizing the hotline to request pro bono services. This number will also be increased due to promotion of the program, as discussed above.
- C.2(8)g. **Costs Associated with Benchmarks:** The costs for this action step will be the portion of the Plan Administrator's time needed to work with the ILS intake system director on perfecting the system, drafting intake and other forms, and evaluating the system.  
*See Budget (Attachment L)*

### **Problem/Barrier No. 9**

- C.2(9)a. **Problem Identification:** Certain nonprofit and charitable organizations who benefit the poor are in need of legal services which are inadequately supplied. The VLP is working on this problem by recruiting attorneys who might be interested in providing this type of service. However, this is still considered a barrier because few attorneys have expressed interest in providing this type of assistance.
- C.2(9)b. **Supportive Data:** Informal Evansville Bar Association survey, observation and experience.
- C.2(9)c. **Recommended Actions:** The VLP, working in conjunction with the VLP and local bar associations will do the following:
1. Establish definitions for pro bono service to persons and organizations.
  2. Recruit volunteer attorneys to provide direct or indirect civil legal services to nonprofit qualifying organizations with an established primary mission to render direct assistance or service of a qualified nature to poor people (living within or below established poverty level income/asset guidelines) which is not frivolous or incompatible with recognized pro bono goals and for which legal service payment at standard rates would significantly deplete the organization's economic resources.
  3. Recruit volunteer attorneys to provide indirect representation of persons of limited means by offering civil legal service to qualifying nonprofit and charitable organizations which benefit the poor.
  4. Recruit volunteer attorneys to represent community groups serving persons of limited means.
  5. Recruit volunteer attorneys to provide consultation services to other pro bono civil legal service providers representing or advising qualifying nonprofit and charitable organizations which benefit the poor.



6. Recruit volunteer attorneys to make presentations to qualifying nonprofit and charitable organizations which benefit the poor and to their clients and constituents of limited means regarding their rights and obligations under the law.
7. The VLP will form an Organization Qualifications Committee and task it with drafting and recommending criteria, acceptable to the VLP for identifying the nonprofit organizations that are eligible and qualified to receive pro bono assistance and a plan by which such organizations could apply for certifications of eligibility.

C.2(9)d. **Coordination:** This will require coordination among legal service providers, social service providers, the VLP and the Committee. The social service providers need to be made aware of this service and what types of organizations and legal issues are appropriate for the VLP. Attorneys need to be recruited and trained so that they may provide the type of assistance that such entities would need.

C.2(9)e. **Expected Results:** Qualified nonprofit or charitable organizations will be more effective or successful in their mission to serve the poor.

C.2(9)f. **Benchmarks:** The VLP will form an Organization Qualifications Committee. Within the next year, the VLP will begin servicing qualified nonprofit and charitable organizations. The data from this service will be tracked by the VLP and evaluated in one year from now.

C.2(9)g. **Costs Associated with Benchmarks:** The cost associated with this action step is the portion of the Plan Administrator's time spent on coordinating this activity.  
*See Budget (Attachment L)*

### **Problem/Barrier No. 10**

C.2(10)a. **Problem Identification:** Clients need to know about the available pro bono services. Currently, there has been no formal promotion of the hotline or pro bono service to the eligible client population. It is necessary to build up the volunteer base before we can proceed with informing the public. However, this is a barrier because, obviously, clients cannot access a service that they do not know exists.

C.2(10)b. **Supportive Data:** It is a fact that there has been no promotion of this service as of yet.

C.2(10)c. **Recommended Actions:** Once the VLP has done more recruiting and has built up its pool of volunteer attorneys, it will commence a promotional campaign for the program to potential clients. This is projected to occur approximately eighteen (18) months from the date of this report. The specific actions include:

1. Formation of the Publicity and Recruitment Committee which will be done at the next quarterly meeting of the Committee in August of 2001.
2. Creation of promotional materials such as brochures to be distributed throughout the District to courthouses, libraries, social service agencies, and other targeted entities.
3. Media releases.
4. Presentations to local groups by the VLP and other volunteer attorneys.

C.2(10)d. **Coordination:** The VLP will coordinate these publicity activities with the Publicity and Recruitment Committee, which shall be made up of VLP members throughout the District. This will also require coordination with courthouse, library, and social service staff in order to get cooperation from these entities and to get ideas from them as to how to best get the information out to the potential clients population. Additionally, this will require coordination with local media. Possibly other volunteer attorneys will be called upon to make local presentations as well.

C.2(10)e. **Expected Results:** It is expected that more low-income individuals who otherwise would not be able to access the justice system will be able to do so because they will be informed about services available to them.

C.2(10)f. **Benchmarks:** The goal is to begin this campaign in approximately eighteen (18) months from the date of this report. Within two years, the goal is to have promotional materials and media releases in every county within the District. The Publicity and Recruitment Committee will evaluate the effectiveness of this campaign from data collected from applicants by the VLP. An initial question will be added to the intake form asking how they heard of the VLP. This will let the Committee know whether their efforts have been effective or not.

C.2(10)g. **Costs Associated with Benchmarks:** The costs associated with this goal would include any printing and development costs of promotional materials.  
*See Budget (Attachment L)*